

Notice of Allowability

Application No.

09/835,691

Examiner

Dave Czekaj

Applicant(s)

VETRO ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/31/06.
2. ☒ The allowed claim(s) is/are 1-5 and 7-9 renumbered as 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mueller on 12/6/06.

The application has been amended as follows:

In the Specification on page 1, line 4 and page 11, line 19

Replace "09/xxx,xxx" with - - 09/835,650, now US Patent 6,671,324 issued Dec. 30, 2003, - - .

In the Specification on page 1, line 6

Replace "on xxxx" with - - on April 16, 2001 - - .

In the Specification on page 4, line 11

Replace "a method encodes a video a video objects" with - - a method encodes video objects - - .

In the Specification on page 5, line 22

Replace "average total spatial distortion 131" with - - spatial distortion 131 - - .

In the Specification on page 6, line 1

Replace "a coded object 151" with - - a coded object 152 - - .

In the Specification on page 6, line 26

Replace "object of frame" with - - object (frame) - - .

In the Specification on page 18, line 10

Replace "well know" with - - well known - - .

In Claim 1, line 8

Replace "the skip parameter, an average" with - - the skip parameter, wherein an average - - .

In Claim 1, line 13

Replace "the skip parameter." with - - the skip parameter, to optimally minimize the average total distortion in the video. - - .

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Walker (US 6,222,881) discloses an apparatus for encoding and decoding video signals (Walker: column 1, lines 13-15). This apparatus comprises "determining and encoding a quantizer parameter and skip parameter that minimizes an average distortion" (Walker: figure 6, column 6, lines 44-46, wherein the skip parameter indicates an object to be encoded as a skipped block, column 16, lines 23-26, wherein the quantizer parameter is the quantization level, column 10, lines 25-30, wherein the distortion is the noise), "skipping the candidate objects as uncoded objects with the skip parameter" (Walker: figure 6, column 6, lines 44-46, wherein the skip parameter indicates an object to be skipped from the encoding process), and "the average distortion including spatial and temporal distortion of objects" (Walker: column 10, lines 25-30, wherein the distortion is the noise). Although Walker fails to use the term "distortion", Walker does disclose determining whether image data is acceptable or not in figure 6, conditions 610 and 614. However, Walker fails to disclose the average total distortion is based on a quantizer and skip parameter. Walker also fails to disclose the average skip parameter as claimed. A further search was conducted which failed to yield any prior art. Therefore, the prior art fails to teach or render obvious these limitations taken within the others in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600